

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) POU920030208US1									
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____	Application Number 10/733725	Filed 12/11/2003									
	First Named Inventor Chulho Kim										
	Art Unit 2443	Examiner David E. England									
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; vertical-align: top; padding-bottom: 10px;"><input type="checkbox"/> applicant/inventor.</td><td style="width: 50%; vertical-align: top; padding-bottom: 10px; text-align: right;">/M. Brad Lawrence/ _____ Signature</td></tr><tr><td style="vertical-align: top; padding-bottom: 10px;"><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td><td style="vertical-align: top; padding-bottom: 10px; text-align: right;">M. Brad Lawrence _____ Typed or printed name</td></tr><tr><td style="vertical-align: top; padding-bottom: 10px;"><input checked="" type="checkbox"/> attorney or agent of record. Registration number 47210 _____</td><td style="vertical-align: top; padding-bottom: 10px; text-align: right;">(860) 286-2929 _____ Telephone number</td></tr><tr><td style="vertical-align: top;"><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td><td style="vertical-align: top; text-align: right;">April 7, 2011 _____ Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>				<input type="checkbox"/> applicant/inventor.	/M. Brad Lawrence/ _____ Signature	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	M. Brad Lawrence _____ Typed or printed name	<input checked="" type="checkbox"/> attorney or agent of record. Registration number 47210 _____	(860) 286-2929 _____ Telephone number	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	April 7, 2011 _____ Date
<input type="checkbox"/> applicant/inventor.	/M. Brad Lawrence/ _____ Signature										
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	M. Brad Lawrence _____ Typed or printed name										
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<input type="checkbox"/> *Total of _____ forms are submitted.											

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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The information provided by you in this form will be subject to the following routine uses:

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8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Appln. No. 10/733,725
Docket No. POU920030208US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.: 10/733,725 : Confirmation No.: 8581
Applicant: Chulho Kim, et al. : Group Art Unit: 2443
Filed: December 11, 2003 : Examiner: David E. England
Docket No.: POU920030208US1 :
For: EFFICIENT PROTOCOL PROCESSING TO INCREASE BANDWIDTH IN
INTERRUPT MODE

PRE-APPEAL REVIEW REQUEST

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Final Office Action dated January 7, 2011, and in conjunction with the concurrently filed Notice of Appeal, Applicants submit the following remarks for entry in the above-entitled application.

REMARKS

Claims 10 and 12-19 are pending in the instant application.

Claims 10, 12-15 and 17-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Connor (U.S. Patent No. 6,868,466) in view of Connor613 (U.S. Patent No. 6,993,613). Claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Connor in view of Connor316, and further in view of Killian (U.S. Patent No. 6,473,426).

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner must meet the burden of establishing that all elements of the invention are taught or suggested in the prior art. MPEP §2143.03.

Independent claims 10 and 19 recite, *inter alia*, exiting the interrupt mode when: there are no more packets in said receive buffer and at least one of: said state variable is equal to a selected value and a selected interval has transpired since said interrupt was generated. To meet this limitation, a prior art reference or combination must teach exiting an interrupt mode when items 1 and 2 below are both satisfied:

1) there are no more packets in the receive buffer; **and**

2) one of: a) the state variable is equal to a selected value or b) a selected interval has transpired since said interrupt was generated.

Here, the Examiner has, quite simply, failed to show that the combination of Conner and Connor 613 teaches a combination that includes exiting an interrupt mode when both 1) and 2) are satisfied. As such, the Examiner has failed to establish a prima facie case of obviousness.

The Examiner does point out that Connor613 allegedly teaches “exiting the interrupt mode when: there are no more packets in said receive buffer” (Final Office Action at paragraph 10). The Examiner, however, nowhere addresses either requirement a) or b) of item 2 above.

Without showing where in the cited references either a) or b) is taught, the rejection of claims 10 and 19 cannot meet the requirements of MPEP §2143.03. That is, a prima facie case of obviousness has not been established. As such, the rejection of claims 10 and 19, and all claims that depend from them, is improper and must be withdrawn.

In response to the Office Action mailed March 29, 2009, applicants made the above distinction clear (see last paragraph on page 5 that continues to page 6). The Examiner, however, simply stated that those arguments were simply a general allegation that did not point out how the claims patentably distinguished over the references (Final Office Action at paragraph 22). This statement flatly ignored what Applicants have again pointed out herein. More precisely, this statement ignores the fact that Applicants pointed out in their last response that the prior art does not teach or suggest exiting an interrupt mode when both

1) there are no more packets in the receive buffer; **and**

2) one of: a) the state variable is equal to a selected value or b) a selected interval has transpired since said interrupt was generated

are satisfied.

Conclusion

In view of the foregoing, it is respectfully requested that the outstanding rejections be withdrawn and that a Notice of Allowance be issued. If the Examiner believes that a telephone conference with the undersigned would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Assignee's attorney hereby authorizes that such fee be charged to Deposit Account No. 09-0447.

If any extensions of time are required under 37 C.F.R. § 1.136, Assignee hereby petitions for such extensions of time and authorize any extension fees to be charged to Deposit Account No. 09-0447.

Respectfully submitted,
CANTOR COLBURN LLP
Assignee's Attorneys

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